

## **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director  
954-797-1101

**SUBJECT:** Ordinance  
LA (TXT) 01-2B

Amendment to the Transportation Element of the Comprehensive Plan

**TITLE OF AGENDA ITEM:**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA (TXT) 01-2B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION ELEMENT TO REVISE THE LEVEL OF SERVICE STANDARD FOR INTERSTATE 595 PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town of Davie recently approved a land use plan designation change for a 22 acre parcel of land from Residential (5 du/acre) to Employment Center, Special Classification (LABC 98-3B) on November 18, 1998. Upon review by the Department of Community Affairs (DCA) and the Department of Transportation (DOT), it was determined that the requested amendment would increase traffic generated on Interstate 595. Since I-595 is already operating below an acceptable level of service (known as LOS D), the State found the amendment "not in compliance" with the applicable state statutes and regulations, thereby denying the amendment.

The Town was able to work with DCA to agree that the level of service for I-595 was not entirely the responsibility of the Town's. A stipulated settlement agreement, also known as a compliance agreement, was entered into by Town Council and approved on January 17, 2001. As part of the compliance agreement, the Town agreed to revise Policy 2.1.2 of the Transportation Element of the Comprehensive Plan indicating that the roadway level of service for I-595 would be measured at the peak hour-peak direction, as opposed to the two-way peak hour. The roadway level of service for I-595 clearly degrades in west bound direction at the PM peak hour and east bound in the AM peak hour.

This revised level of service measurement allows projects to be approved as long as the traffic generated does not degrade below the LOS D in the peak direction. This revised standard will allow development to occur along the I-595 corridor which does not generate travel in the peak direction. The intent is for infill development along I-595 to be of the type which does not generate excessive or frequent vehicle trips, such as offices and research and development buildings.

Upon approval of the change in the text of the Transportation Element of the Comprehensive Plan, the Town will submit the revised language to the DCA, who will then review and determine if the amendment is in compliance.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** The Local Planning Agency recommended approval at its May 23, 2001 meeting (motion carried 4-0).

**FISCAL IMPACT:**

Has request been budgeted?      yes    no

    If yes, expected cost: \$

        Account Name:

    If no, amount needed: \$

        What account will funds be appropriated from:

    Additional Comments:

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Ordinance

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA (TXT) 01-2B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION ELEMENT TO REVISE THE LEVEL OF SERVICE STANDARD FOR INTERSTATE 595 PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council on the November 18, 1998, adopted Ordinance 98-46 which changed the land use classification of 22 acres of property located at the southeast quadrant of Flamingo Road and SR 84 from Residential (5 d.u./acre) to Employment Center, Special Classification; and

WHEREAS, the Department of Community affairs found the amendment “not in compliance”; and

WHEREAS, the Town entered into a Stipulated Settlement Agreement with DCA in order that the amendment be found “in compliance”; and

WHEREAS, the Stipulated Settlement Agreement requires that the Transportation Element of the Comprehensive Plan be amended to revise the level of service for Interstate 595; and

WHEREAS, the Town Council of the Town of Davie desires to amend the Comprehensive Plan to reflect revised level of service standards for Interstate 595; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on May 23, 2001, noticed in accordance with section 163.3184 (15), Florida Statutes; and

WHEREAS, the Town Council of the Town of Davie held a public hearing on June 6, 2001 and June 20, 2001; noticed in accordance with section 163.3184 (15),

Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Transportation Element of the Comprehensive Plan heretofore adopted by the Town Council be and the same is hereby amended according to Exhibit "A", attached hereto and made a part hereof.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, F.S.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2001

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2001

\_\_\_\_\_

MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001

Exhibit A

Policy 2.1.2 is hereby amended as follows:

- Policy 2.1.2: Unless exempted under other policies, the concurrency management system shall establish the following roadway peak-hour level of service (LOS) standards for the purpose of issuing development orders and permits:
  1. For the Florida Intrastate Highway System (FIHS) roadways within the Town of Davie, the generalized ~~two-way-peak-hour~~ peak-hour-peak-direction level of service (LOS) standard established by the Florida Department of Transportation is:

FIHS Roadway	Segment	LOS	Peak Hour Volume
Florida Turnpike	South Town limits to I-595	D	8,900 <del>5,080</del>
I-595	I-75 to Pine Island Road	D	12,400 <del>6,860</del>
	Pine Island Road to east of SR 7	D	12,200 <del>6,930</del>
I-75	Sheridan Street to I-595	D	12,400 <del>6,860</del>

Source: Level of Service Manual, ~~Excerpts from Table 5-1, Excerpts from Tables 5-4 and 5-7,~~ Florida Department of Transportation, (1998)

2. For non-FIHS transportation facilities and transportation facilities functionally classified as: